

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 20, 2004

DIVISION ONE

9-20-04

124380-04

The HONORABLE RICHARD M. MOSK, Associate Justice of the Court of Appeal, Second Appellate District, Division Five, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division One, as a justice thereof, on the following dates:

SEPTEMBER 22, 2004

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: September 17, 2004

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

September 20, 2004 (Continued)

DIVISION ONE (Continued)

B168465 Nila Jackson Neat (Not for Publication)
 v.
 County of Los Angeles

The judgment is affirmed. The County is entitled to its costs.

Ortega, J.

We concur: Spencer, P.J.
 Mallano, J.

DIVISION THREE

B165657 People
 v.
 Darren Rhinehardt

Filed order denying petition for rehearing.

DIVISION FOUR

Court convened at 9:00 a.m.

Present: Epstein, Acting P.J., Hastings, J., Curry, J., Grimes, J. (Assigned) and V. Guzman, Deputy Clerk.

Each of the following:

B170105 People v. Duncan
B169371 People v. Boulden
B172755 DCFS v. Corya B., Andre P. & Precious P.
B171646 DCFS v. Maria R.

Argument waived, cause submitted.

DIVISION FOUR (Continued)

B165828 People
 v.
 Rodriguez

Merits:
Argued by A. William Bartz, Jr. for appellant and by Laura J. Harquist,
deputy attorney general for respondent. Cause submitted.

B167907 Smith
 v.
 Goff

Merits:
Argued by Paul Buchberg for appellant and by Lynard C. Hinojosa for
respondent. Cause submitted.

B170232 Los Angeles Sheriff's Professional Association
 v.
 Association for Los Angeles Deputy Sheriffs

Merits:
Argued by Elizabeth J. Gibbons for appellant and by no brief filed on
behalf of respondent. Cause submitted.

B166427 People
 v.
 Moore, Robinson and Sanders

Merits:
Argued by Gideon Margolis for appellant Moore, by Juliana Drous for
appellant Robinson, by Joanna McKim for appellant Sanders and by Zee
Rodriguez, deputy attorney general for respondent. Cause submitted.

DIVISION FOUR (Continued)

B170046 Cedeno
 v.
 Arroyo Seco Medical Group et al.

Merits:
Argued by David M. de Rubertis for appellant and by Christopher B. Cato
for respondents. Cause submitted.

B170231 Thomson
 v.
 Miller

Merits:
Argued by Robert S. Chapman for appellant and by Arash Homampour for
respondent. Cause submitted.

Court in recess.

Court reconvened at 1:30 p.m.

Present: Epstein, Acting P.J., Hastings, J., Curry, J., Grimes, J. (Assigned) and V.
Guzman, Deputy Clerk.

B166572 People
 v.
 Davis

Merits:
Argued by Derek K. Kowata for appellant and by William H. Davis. Jr. for
respondent. Cause submitted.

B167567 Martinez et al.
 v.
 Estate of Jabel

Merits:
Argued by Maxine J. Lebowitz for appellant and by Joseph R. Baer for
respondents. Cause submitted.

DIVISION FOUR (Continued)

B165817 Kheiltash
 v.
 Kheiltash

Merits:

Argued by Raj D. Roy for appellant and by Richard Barkhordarian for respondent. Cause submitted.

B165444 People
 v.
 Rodriguez

Merits:

Argued by Eric S. Multhaup for appellant and by Kenneth J. Kao, deputy attorney general for respondent. Cause submitted.

B143105 Russomanno et al.
 v.
 Far East Canning Industries Limited et al.

Merits:

Argued by A. Barry Cappello for appellants, by James J. Webster for respondent Fox Children Network and by Daniel C. Tepstein for respondent Far East Canning Industries. Cause submitted.

B165771 Gemini Aluminum Corporation
 v.
 California Fair Employment and Housing Commission

Merits:

Argued by Barrett Green for appellant and by Timothy M. Muscat, deputy attorney general for respondent. Cause submitted.

Court adjourned.

DIVISION FIVE

B174605 United National Bank
v.
Daniel Chu

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed April 9, 2004) dismissed.

DIVISION SIX

B171271 Limon et al., (Not for Publication)
v.
Calif. Dept. of Fish & Game
Defenders of Wildlife et al.

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

B159949 In re Jesse Calhoun, et al. on Habeas Corpus

Filed order denying petition for rehearing.

DIVISION SEVEN

B172631 Cole (Certified for Publication)
v.
California Insurance Guarantee Assoc.

The trial court's order is reversed. Plaintiff is awarded her costs on appeal.

Zelon, J.

We concur: Perluss, P.J.
Johnson, J.

September 20, 2004 (Continued)

DIVISION SEVEN (Continued)

B172847 Lewis (Not for Publication)
v.
Demdel Investments, Inc.

The matter is remanded to the superior court for further proceedings consistent with this opinion. The parties are to bear their own costs on appeal.

Zelon, J.

We concur: Perluss, P.J.
Woods, J.

B169050 Heath (Not for Publication)
v.
Board of Administration, CalPERS et al.

The judgment of the superior court is reversed with directions to the superior court to grant Heath's petition for writ of mandate and order CalPERS to recompute Heath's pension based upon inclusion of his \$300 a month automobile allowance in his base compensation. Heath is entitled to costs on appeal.

Zelon, J.

We concur: Johnson, Acting P.J.
Woods, J.

DIVISION EIGHT

B175220 Zamudio
v.
Drew Medical Center et al.

Filed order denying petition for rehearing.